

**FIFTY-FOURTH DAY**

(Continued)

(Tuesday, April 17, 1951)

**After Recess**

The Senate met at 10:30 o'clock a. m., and was called to order by the President.

**Reports of Standing Committees**

On motion of Senator Aikin, and by unanimous consent, the following committee report was submitted at this time:

Austin, Texas,  
April 16, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 520, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman

On motion of Senator Bracewell, and by unanimous consent, the following committee report was submitted at this time:

Austin, Texas,  
April 17, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 587, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRACEWELL, Chairman

On motion of Senator Hardeman, and by unanimous consent, the following committee reports were submitted at this time:

Austin, Texas,  
April 17, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 360, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman

Austin, Texas,  
April 17, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 363, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman

Austin, Texas,  
April 17, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 358, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman

Austin, Texas,  
April 17, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 356, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman

**Senate Resolution 159**

Senator Vick offered the following resolution:

Whereas, We are honored today to have in the gallery the Hon. Otis Stephens; and

Whereas, This distinguished gentleman is a highly respected citizen of Wichita Falls, Texas; and

Whereas, This gentleman is on a visit to the Capitol and the Capital City; now, therefore, be it

Resolved, That the Hon. Otis Stephens be officially welcomed and recognized by the Senate, and that he be extended the courtesies of the floor for the day.

VICK  
MOFFETT

The resolution was read and was adopted.

**Senate Resolution 160**

Senator Russell offered the following resolution:

Whereas, We are honored today to have with us General H. Miller Ainsworth, Commanding General of the Thirty-sixth Division, and Captain Audie Murphy, holder of the Congressional Medal of Honor and most decorated soldier of World War II; and

Whereas, Captain Murphy's portrait will be presented to the State on Tuesday, April 17, 1951, which portrait is to hang in the State Capitol; and

Whereas, It is the desire of the Senate to recognize these two gentlemen and extend to them a gracious welcome; now, therefore, be it

Resolved, That they be officially welcomed and extended the courtesies of the floor for the day, and that they be escorted to the rostrum and be introduced to the Senate.

The resolution was read and was adopted.

Accordingly, the President appointed the following to escort the distinguished guests to the President's rostrum: Senators Russell, Hardeman and Fuller.

The President recognized Senator Russell and Senator Russell introduced General H. Miller Ainsworth, Commanding General of the Thirty-sixth Division, to the Senate. General Ainsworth addressed the Senate briefly and presented Captain Audie Murphy. Captain Murphy addressed the Senate and thanked the members for the honor bestowed upon him.

**Senate Resolution 161**

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery Mr. Frank Roddy of Brady, Texas, President of the Texas Sheep and Goat Raisers Association; Mr. Bryan Hunt and Mr. Fred Carwood of Sonora, Texas, and Mr. Russell Martin of Del Rio, Texas; and

Whereas, These gentlemen are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by

the Senate, and that they be extended the courtesies of the floor for the day.

**ASHLEY  
HARDEMAN**

The resolution was read and was adopted.

**Message From the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 17, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 47 by vote of 83 yeas, 12 nays.

The House has concurred in Senate amendments to House Bill No. 56 by vote of 114 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 104 by viva-voce vote.

The House has concurred in Senate amendments to House Bill No. 116 by viva-voce vote.

The House has concurred in Senate amendments to House Bill No. 145 by vote of 117 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 187 by vote of 128 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 310 by vote of 123 yeas, 0 nays.

Respectfully submitted,

**CLARENCE JONES,**  
Chief Clerk, House of Representatives.

**Committee Substitute Senate Bill 57  
on Second Reading**

The Senate resumed consideration of the unfinished business (same being C. S. S. B. No. 57 on its second reading and passage to engrossment, the bill having been read the second time on Monday, April 16, 1951):

Question—Shall C. S. S. B. No. 57 be passed to engrossment?

Senator Lane offered the following amendment to the bill:

Amend Senate Bill No. 57 by adding a new section to be numbered . . . . ., and to read as follows:

"In no event shall the gross weight of such vehicle and the load exceed 58,420 pounds, provided, however, nothing herein shall prevent the granting of a permit by the proper authority for a period of ninety (90) days or less for the transportation of over-weight, over-sized or over-length commodities as cannot be reasonably dismantled as now provided by law."

The amendment was adopted.

Senator Bracewell moved to reconsider the vote by which the Bracewell amendment (Amendment No. 2) was adopted on yesterday.

The motion to reconsider prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Nokes
Carney	Parkhouse
Carter	Phillips
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

Present—Not Voting

Hudson

Absent

Hazlewood                  Moore

Question—Shall the amendment by Senator Bracewell be adopted?

Senator Bracewell then withdrew the pending amendment and offered the following amendment to the bill:

Amend Senate Bill 57 by adding at the end of subsection (c), Section 1, a new provision to read as follows:

"Provided, however, vehicles used exclusively to transport ready-mix cement may be operated with a tandem axle load of 36,000 pounds if the owner of such vehicle shall first file with the State Highway Department a surety bond in the principal sum of not to exceed ten thousand dollars for each such vehicle; said

bond to be conditioned that the owner of such vehicle will pay to the State of Texas, within the limits of such bond, all damages done to the highways by reason of the operation of such vehicle with a tandem axle load of 36,000 pounds; such bond shall be in an amount to be fixed by the State Highway Department and shall be subject to the approval of the State Highway Department; but if for any reason this exception is unconstitutional or invalid, it is the intention of the Legislature to enact and it does here now enact and pass this Act without such exception; and if it be invalid, such exception alone shall fall and be held for naught, and the remainder of the Act shall be and remain unimpaired, and it is so enacted."

Senator Hudson offered the following amendment to the amendment by Senator Bracewell:

Amend the Bracewell amendment to Senate Bill 57 by adding thereto the words "for the next two years after the effective date of this Act" immediately following the word "cement" in the first sentence of said amendment.

Senator Bracewell moved to table the amendment by Senator Hudson.

The motion to table was lost by the following vote:

Yeas—15

Ashley	Lock
Bell	Nokes
Bracewell	Phillips
Carney	Russell
Corbin	Shofner
Fuller	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	

Nays—16

Aikin	Martin
Bullock	McDonald
Carter	Moffett
Colson	Moore
Hardeman	Parkhouse
Hazlewood	Vick
Hudson	Wagonseller
Lane	Weinert

Question recurring on the amendment by Senator Hudson, it was adopted.

The amendment by Senator Bracewell, as amended, was adopted by the following vote:

## Yeas—16

Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Carney	Nokes
Corbin	Phillips
Fuller	Russell
Hazlewood	Shofner
Kelley of Hidalgo	Strauss

## Nays—15

Aikin	Moffett
Bullock	Moore
Carter	Parkhouse
Colson	Tynan
Hardeman	Vick
Hudson	Wagonseller
Martin	Weinert
McDonald	

Senator Bell offered the following amendment to the bill:

Amend S. B. No. 57 by adding thereto a new section to be known as Section 1½ by reading as follows:

"Sec. 1½. If any section, subsection, sentence, clause, or phrase of this Act is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

The Legislature hereby declares that it would have passed and does pass this Act and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases should be declared unconstitutional."

The amendment was adopted.

On motion of Senator Bell, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

(Senator Weinert in Chair.)

Senator Hudson offered the following amendment to the bill:

Amend Senate Bill 57 by adding to Subsection (c), Section 1, as amended, the following sentence:

"Trucks hauling petroleum products shall be allowed to transport liquid petroleum products in any amount not exceeding a total gross weight of 64,000 pounds."

On motion of Senator Bell, the amendment was tabled by the following vote:

## Yeas—24

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Weinert

## Nays—7

Carter	Parkhouse
Hudson	Vick
Lock	Wagonseller
Moore	

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 57, page 2 of the printed bill, by striking out all of lines 26 through 32 and providing maximum gross weight 56,800 pounds.

On motion of Senator Bell, the amendment was tabled by the following vote:

## Yeas—21

Ashley	Lane
Bell	Lock
Bracewell	Moffett
Carney	Nokes
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

## Nays—10

Aikin	McDonald
Bullock	Moore
Carter	Parkhouse
Hudson	Phillips
Martin	Wagonseller

The bill, as amended, was passed to engrossment by the following vote:

## Yeas—24

Ashley	Hazlewood
Bell	Kelley of Hidalgo
Bracewell	Kelly of Tarrant
Bullock	Lane
Carney	Lock
Colson	Martin
Corbin	McDonald
Fuller	Moffett
Hardeman	Nokes

Russell  
Shofner  
Strauss

Tynan  
Vick  
Weinert

Nays—7

Aikin  
Carter  
Hudson  
Moore

Parkhouse  
Phillips  
Wagonseller

**Motion To Place Committee  
Substitute Senate Bill 57 on  
Third Reading**

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 57 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the members present):

Yeas—24

Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Nokes
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Nays—7

Aikin	Parkhouse
Carter	Phillips
Hudson	Wagonseller
Moore	

**Senate Resolution 162**

Senator Colson offered the following resolution:

Whereas, We are honored today to have in the gallery the Government Class composed of Seniors of the Sam Houston State Teachers College, of Huntsville, Texas, accompanied by Mr. Frank Holloway and Mr. Glyn M. Turner of the College; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

(President in Chair.)

**Senate Bill 420 on First Reading**

Senator Hardeman moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Nays—1

Moore

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Hardeman, Hudson, Ashley, Shofner, Kelley of Hidalgo, Vick, Moffett, Kelly of Tarrant, Tynan, Corbin, Bell, Hazlewood, Bullock, Lane and Martin:

S. B. No. 420, A bill to be entitled "An Act to appropriate (\$30,000) Thirty Thousand Dollars for the Livestock Sanitary Commission to pay traveling and subsistence expenses supplementing the appropriation for traveling expenses made for the biennium ending August 31, 1951; and declaring an emergency."

To Committee on Finance.

**Senate Bill 421 on First Reading**

Senator Hudson moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Ashley
-------	--------

Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert
Lock	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Hudson:

S. B. No. 421, A bill to be entitled "An Act authorizing any city whose nearest boundary line is not more than five miles from a vehicular bridge across the Rio Grande to purchase such bridge or that portion thereof which is within the United States of America; authorizing the issuance of bonds to provide funds to purchase the same and thereafter to improve, enlarge and repair the bridge and to refund bonds issued under this Act; prescribing the procedure for the issuance of such bonds; providing for the payment of and security for such bonds and that the holders thereof shall never have the right to demand payment thereof out of funds raised by taxation; requiring approval of the bonds by the Attorney General and registration by the Comptroller and prescribing the effect thereof; authorizing the appointment of a board of trustees to manage, operate and control the bridge; enacting other provisions relating to the subject and declaring an emergency."

To Committee on State Highways and Motor Traffic.

#### Senate Bill 422 on First Reading

Senator Lane moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Bell
Ashley	Bracewell

Bullock	McDonald
Carney	Moffett
Carter	Moore
Colson	Nokes
Fuller	Parkhouse
Hardeman	Phillips
Hazlewood	Russell
Hudson	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Tynan
Lane	Vick
Lock	Wagonseller
Martin	Weinert

Absent

Corbin

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Lane:

S. B. No. 422, A bill to be entitled "An Act authorizing the Sabine River Authority to compact with the State of Louisiana regarding the Sabine River watershed; appropriating \$4,607; providing for ratification; and declaring an emergency."

To Committee on Finance.

#### Senate Bill 423 on First Reading

Senator Aikin moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Aikin:

S. B. No. 423, A bill to be entitled "An Act granting teachers who ex-

ecuted waivers in the Teacher Retirement System the privilege to deposit with the Teacher Retirement System all back assessments and dues commencing with the school year, September 1, 1937, for each of the years actually taught since 1937, together with simple interest thereon at the rate of two and one-half percent (2½%) per annum; providing said teacher was employed in the public schools during the school year commencing September 1, 1950; providing prior service credit for said teachers; providing for matching of individual deposits by the State of Texas; and declaring an emergency."

To Committee on Educational Affairs.

#### Senate Bill 339 on Second Reading

Senator Strauss asked unanimous consent to suspend the regular order of business and that S. B. No. 339 be laid out for consideration at this time.

There was objection.

Senator Strauss then moved to suspend the regular order of business and that S. B. No. 339 be laid out for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—21

Ashley	Lock
Bell	Moffett
Bullock	Moore
Carney	Parkhouse
Carter	Phillips
Colson	Shofner
Fuller	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

#### Nays—10

Aikin	Martin
Bracewell	McDonald
Corbin	Nokes
Hardeman	Russell
Hudson	Vick

The President laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 339, A bill to be entitled "An Act relating to consumer financing and fixing the charges that may be made in connection therewith; pro-

viding for discount; authorizing the issuance and sale of investment certificates; providing for supervision by the Department of Banking; specifying what corporations may qualify; and declaring an emergency."

The bill was read second time.

Question—Shall S. B. No. 339 be passed to engrossment?

#### Recess

Senator Hardeman moved the Senate stand recessed until 2:30 o'clock p. m. today.

Senator Vick moved the Senate stand adjourned until 2:30 o'clock p. m. today.

Senator Parkhouse moved the Senate stand recessed until 10:30 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Vick, the motion was lost by the following vote:

#### Yeas—11

Bell	Kelly of Tarrant
Carney	Moffett
Corbin	Russell
Fuller	Tynan
Hazlewood	Vick
Kelley of Hidalgo	

#### Nays—18

Aikin	Martin
Ashley	McDonald
Bullock	Moore
Carter	Parkhouse
Colson	Phillips
Hardeman	Shofner
Hudson	Strauss
Lane	Wagonseller
Lock	Weinert

#### Absent

Bracewell	Nokes
-----------	-------

Question next recurring on the motion of Senator Parkhouse, the motion was lost by the following vote:

#### Yeas—13

Aikin	Moore
Carney	Nokes
Hudson	Parkhouse
Lane	Russell
Martin	Wagonseller
McDonald	Weinert
Moffett	

#### Nays—17

Ashley	Bell
--------	------

Bullock	Kelly of Tarrant
Carter	Lock
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Vick
Kelley of Hidalgo	

Absent

Bracewell

Question next recurring on the motion of Senator Hardeman, the motion prevailed.

Accordingly, the Senate at 12:15 o'clock p. m. took recess until 2:30 o'clock p. m. today.

#### After Recess

The Senate met at 2:30 o'clock p. m. and was called to order by the President pro tempore.

#### Senate Bill 339 on Second Reading

The Senate resumed consideration of pending business, same being S. B. No. 339 on its second reading and passage to engrossment.

Question—Shall S. B. No. 339 be passed to engrossment?

Senator Strauss offered the following committee amendment to the bill:

Amend S. B. No. 339, subsection (i) of Section 1 by changing the period at the end thereof to a comma and adding the following: "and such corporations shall be liable for attorneys fees to be fixed by the court in suit to cancel any contract for violation of the provisions hereof wherein a judgment against any such corporation is entered."

The committee amendment was adopted.

Senator Strauss offered the following committee amendment to the bill:

Amend S. B. No. 339, Section 1. Subsection (e) by changing and striking out words "such as" in line 2 and inserting in lieu thereof the words "not exceeding."

The committee amendment was adopted.

Senator Strauss offered the following committee amendment to the bill:

Amend S. B. No. 339, Section 1, Subsection (g) by striking out said subsection and substituting in lieu thereof the following:

"Corporations may require insurance on real or personal property securing a loan on advance, and insurance on the life and health of the party or parties obligated on the loan or advance. The insurance must be in a company authorized to do business in Texas and the cost of the policy shall be restricted to the amount of the loan or advance."

The committee amendment was adopted.

Senator McDonald offered the following amendment to the bill:

Amend S. B. No. 339 by adding a new paragraph to Section 1 to be designated as paragraph (j) and to read as follows:

"Notwithstanding the foregoing provisions, no corporation exercising any of the foregoing powers shall charge, contract for, or receive, directly or indirectly, or by means of a subsidiary or affiliate, any amounts for interest, certificates, expenses, services, protection, default charges, property insurance, life insurance, health and accident insurance, title insurance, attorney's fees, collection costs, repossession expense, or any other charges which in the aggregate exceed the equivalent of twenty per cent (20%) per annum, computed on the actual unpaid balances of the loan. In applying this limitation, the unpaid balances of the loan shall be determined by applying all payments, whether made on certificates or otherwise, first to the annual rate of charge, and then to the amount of the loan, and the amount of the loan shall be determined by excluding all charges made at the time the loan is made."

On motion of Senator Strauss, the amendment was tabled by the following vote:

Yeas—17

Ashley	Moore
Bell	Parkhouse
Bullock	Phillips
Carter	Shofner
Colson	Strauss
Fuller	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lock	



## Nays—12

Aikin	Lane
Bracewell	Martin
Corbin	McDonald
Hardeman	Moffett
Hazlewood	Nokes
Hudson	Russell

## Absent

Carney	Weinert
--------	---------

Senator McDonald offered the following amendment to the bill:

Amend S. B. No. 339 by adding a new paragraph to Section 1, to be designated as paragraph (j), and to read as follows:

"Notwithstanding the foregoing provisions, no corporation exercising any of the foregoing powers, shall charge, contract for or receive, directly or indirectly, or by means of a subsidiary or affiliate, any amounts for interest, certificates, expenses, services, protection, default charges, property insurance, life insurance, health and accident insurance, title insurance, attorney's fees, collection costs, repossession expense, or any other charges which in the aggregate exceed the equivalent of thirty-five per cent (35%) per annum, computed on the actual unpaid balances of the loan. In applying this limitation, the unpaid balances of the loan shall be determined by applying all payments, whether made on certificates or otherwise, first to the annual rate of charge, and then to the amount of the loan, and the amount of the loan shall be determined by excluding all charges made at the time the loan is made."

The amendment was adopted.

Senator McDonald offered the following amendment to the bill:

Amend S. B. No. 339 by striking therefrom paragraph (c) of Section 1, and inserting in lieu thereof the following:

"(c) The making of said loan and the sale of said investment certificate shall be considered as one transaction. The periodic payments required on the installment investment certificates, hypothecated as security for the loan, shall be considered as a periodic payment of the loan and payment when, as, and if received shall be applied as a credit upon the loan."

On motion of Senator Strauss, the amendment was tabled by the following vote:

## Yeas—18

Ashley	Lock
Bell	Moore
Bullock	Parkhouse
Carter	Phillips
Colson	Shofner
Fuller	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Wagonseller

## Nays—11

Aikin	Martin
Bracewell	McDonald
Corbin	Moffett
Hardeman	Nokes
Hazlewood	Russell
Hudson	

## Absent

Carney	Weinert
--------	---------

Senator McDonald offered the following amendment to the bill:

Amend S. B. No. 339, Section 1, by adding a new subsection thereto at the end of Section 1, to read as follows:

"Provided, however, that no such expense charges shall be levied on any part of a loan contract which is used directly or indirectly, in whole or in part, to pay off or replace a prior contract, and in no case shall any such expense charge be made by the same lender to the same borrower more than once in twelve (12) months."

Senator Strauss moved to table the amendment.

The motion to table prevailed by the following vote:

## Yeas—17

Ashley	Lock
Bell	Parkhouse
Bullock	Phillips
Carney	Shofner
Carter	Strauss
Colson	Tynan
Fuller	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	

## Nays—12

Aikin	Hardeman
Bracewell	Hazlewood
Corbin	Hudson

Lane	Moffett
Martin	Nokes
McDonald	Russell

Absent

Moore	Weinert
-------	---------

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 339, printed bill, page 2, line 29, by striking out the word "not".

Senator Strauss moved to table the amendment.

Senator Bracewell moved the Senate stand adjourned until 10:30 o'clock a. m. tomorrow.

Yeas and nays were demanded.

The motion to adjourn was lost by the following vote:

## Yeas—11

Aikin	Martin
Bracewell	McDonald
Corbin	Moffett
Hardeman	Nokes
Hudson	Russell
Lane	

## Nays—19

Ashley	Lock
Bell	Moore
Bullock	Parkhouse
Carney	Phillips
Carter	Shofner
Colson	Strauss
Fuller	Tynan
Hazlewood	Vick
Kelley of Hidalgo	Wagon seller
Kelly of Tarrant	

Absent

Weinert

Question recurring on the motion to table the amendment by Senator Martin, the motion to table prevailed by the following vote:

## Yeas—18

Ashley	Lock
Bell	Moore
Bullock	Parkhouse
Carney	Phillips
Carter	Shofner
Colson	Strauss
Fuller	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagon seller

## Nays—12

Aikin	Bracewell
-------	-----------

Corbin	Martin
Hardeman	McDonald
Hazlewood	Moffett
Hudson	Nokes
Lane	Russell

Absent

Weinert

Senator Hudson offered the following amendment to the bill:

Amend S. B. No. 339 by striking the word "actual" in paragraph (i) and substituting therefor the words "ten per cent."

The amendment was adopted.

Senator Hudson offered the following amendment to the bill:

Amend S. B. No. 339 by adding thereto an additional section to be Section 7 and reading as follows:

"Section 7. Provided, however, that nothing herein contained shall authorize any existing corporation or corporation hereinafter created, to charge a total of more than twenty-five per cent (25%) of the amount of loan actually made, whether such charge be called interest, required purchase of investment certificate, expenses or default charges."

On motion of Senator Strauss, the amendment was tabled by the following vote:

## Yeas—18

Ashley	Lock
Bell	Moore
Bullock	Parkhouse
Carney	Phillips
Carter	Shofner
Colson	Strauss
Fuller	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagon seller

## Nays—12

Aikin	Lane
Bracewell	Martin
Corbin	McDonald
Hardeman	Moffett
Hazlewood	Nokes
Hudson	Russell

Absent

Weinert

Senator Bracewell offered the following amendment to the bill:

Amend S. B. No. 339 by adding a new section between Sections 3 and 4 to be known as Section 3a and to read as follows:

"Section 3a. The provisions of this Act shall be strictly construed and it is hereby declared to be the intention of the Legislature that nothing herein shall repeal, alter or amend any of the provisions of the existing laws relating to usurious interest."

The amendment was adopted.

On motion of Senator Strauss, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment by the following vote:

**Yeas—19**

Ashley	Lock
Bell	Moore
Bullock	Parkhouse
Carney	Phillips
Carter	Shofner
Colson	Strauss
Fuller	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	

**Nays—11**

Aikin	Martin
Bracewell	McDonald
Corbin	Moffett
Hardeman	Russell
Hazlewood	Nokes
Hudson	

**Absent**

Weinert

**Motion To Place Senate Bill 339 on Third Reading**

Senator Strauss moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 339 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the members present):

**Yeas—22**

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bullock	Moore
Carney	Parkhouse
Carter	Phillips
Colson	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Vick
Kelley of Hidalgo	Wagonseller

**Nays—8**

Bracewell	McDonald
Corbin	Moffett
Hudson	Nokes
Martin	Russell

**Absent**

Weinert

**Senate Resolution 163**

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the Journalism and Radio News Class of the University of Texas, accompanied by their teacher, Miss Vera W. Gillespie; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

**Senate Bill 424 on First Reading**

Senator Vick moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	

**Present—Not Voting**

Parkhouse

**Absent**

Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Vick:

S. B. No. 424, A bill to be entitled "An Act creating the County Court at Law of McLennan County, defining the jurisdiction of said Court; regulating practice therein; prescribing the terms of said Court; providing for Clerk thereof; providing for transfer of all cases pending in the County Court to said Court; creating the office of Judge of the County Court at Law of McLennan County; providing for the selection of the Judge of said Court; prescribing his qualifications, fixing his compensation; and limiting the jurisdiction of the County Court of McLennan County and providing for the annual salary of the County Judge."

To the Committee on Counties and County Boundaries.

#### House Concurrent Resolution 61 on Second Reading

On motion of Senator Shofner, and by unanimous consent, the President pro tempore laid before the Senate the following resolution:

H. C. R. No. 61, Authorizing and instructing the Enrolling Clerk of the House to make certain corrections in House Bill No. 256.

The resolution was read second time and was adopted by the following vote:

#### Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller

#### Absent

Weinert

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted:

Senator Carney submitted the following report:

Austin, Texas,  
April 17, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 409, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman

Senator Carter submitted the following report:

Austin, Texas,  
April 16, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 685, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

CARTER, Chairman

#### Report of Conference Committee on House Bill 36

Senator Kelley of Hidalgo submitted the following Conference Committee report on House Bill No. 36:

Austin, Texas,  
April 16, 1951.

Hon. Ben Ramsey, President of the Senate;

Hon. Reuben Senterfitt, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 36, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

KELLEY of Hidalgo  
CORBIN  
CARNEY  
BELL  
HUDSON

On the part of the Senate

KILGORE  
MURRAY  
BRISCOE  
KAZEN  
VALE

On the part of the House

H. B. No. 36, A bill to be entitled "An Act to amend Sections 6, 9, 14, 15 and 16 of Chapter 93, House Bill No. 29, Acts of the Regular Session, Fifty-first Legislature, which creates the Texas Citrus Commission. Such amendments change Subsection (2) of said Section 9 and add to Section 9 two new subsections numbered (8) and (9) and provide methods for the better enforcement of said Act and the rules and regulations issued thereunder; and declare an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 6 of said Chapter 93, House Bill No. 29, Acts of the Regular Session of the Fifty-first Legislature, be and the same is hereby amended to hereafter read as follows:

"Section 6. Exclusive venue of all suits by or against the Texas Citrus Commission, and of all suits for which provision is made by this Act, shall lie in the courts of competent jurisdiction in the county where the executive offices thereof may, from time to time, be established. Such courts are authorized, empowered and directed at the request of the Commission to prevent, restrain, correct or abate any violation of this Act and of any valid order, rule or regulation issued by the Commission, and of any order, ruling or regulation made in connection with the administration or enforcement of this Act, and the court shall adjudge to the Commission such relief by way of injunction (which may be mandatory) or otherwise as may be proper under all the facts and circumstances of the case, in order to fully effectuate the purposes of this Act and to carry out the orders, rules and regulations of the Commission made pursuant thereto. Service of process upon the Commission shall be made by serving the chairman or secretary.

"Each person, firm, association or corporation who shall in any manner violate any valid order, rule or regulation of the Commission prescribing a minimum grade or minimum size, or both, for citrus fruit and the several varieties and kinds thereof, pursuant to the provisions of this Act, shall forfeit and pay a sum equal to Ten Dollars (\$10) times the number of containers, of whatever size or capacity, of fresh citrus fruit, and the several varieties and kinds

thereof, packed by such person, firm, association or corporation in violation of such order, rule or regulation. It shall be the duty of each person, firm, association or corporation who shall tender for transportation or shipment any fresh citrus fruit or any of the several varieties thereof which has been packed or placed in containers to furnish to the carrier when such shipment is tendered an inspection certificate, or certificates, issued under the authority of the Texas Citrus Commission, certifying that such citrus fruit so tendered meets the applicable requirements of the Commission as to grades and sizes. Each transportation company, common or contract carrier, or carrier by automobile, truck, trailer or any other means, who shall carry, transport, convey or deliver any fresh citrus fruit or any of the several varieties thereof without first having obtained such certificate, or certificates, shall forfeit and pay a sum equal to Ten Dollars (\$10) times the number of containers of whatever size so carried, transported, conveyed or delivered. Each person, firm, association or corporation who shall pack, place in containers, process or otherwise deal in any fresh citrus fruit or citrus fruit by-products upon which any tax authorized by this Act is or may become due without having first given the Commission the bond required by this Act, in the amount prescribed by the Commission pursuant to this Act, shall forfeit and pay a sum equal to Fifty Dollars (\$50) times the number of days such violator engages in such activity without first having given such bond. Any natural person who shall carry on any activity which under the provisions hereof requires such person to first obtain an exemption certificate, without first having secured the exemption certificate herein provided, or who shall violate any valid rule or regulation of the Commission issued pursuant hereto, shall forfeit and pay a sum equal to Twenty-five Dollars (\$25) times the number of days such violator engages in such activity without such exemption certificate and Ten Dollars (\$10) times the number of containers of whatever size packed, transported or processed in violation of the regulations of the Commission. It shall be the duty of the Commission (acting by its attorneys) to institute civil suit for the recovery of the penalties and forfeitures hereby provided in

the name of the State of Texas for the use and benefit of the Commission. Any and all recoveries shall be paid into the Texas Citrus Commission Fund created by this Act and shall be expended for the purposes provided by this Act. All such recoveries are hereby appropriated for such purpose for the biennium ending August 31, 1953. The penalties and forfeitures hereby provided shall be cumulative of and in addition to other enforcement and preventive relief provided by law, and suits for recovery thereof may be joined with actions to prevent, restrain, correct or abate any violation of this Act. No garnishment, attachment, appeal, cost or other bond shall be required of the Commission in any proceeding to which it may be a party.

"The Attorney General of Texas shall at the request of the Commission represent it in legal matters, or the Commission may employ other counsel."

Sec. 2. That Subsection (2) of Section 9 of said Chapter 93, House Bill No. 29, Acts of the Fifty-first Legislature, be and the same is hereby amended so as to hereafter read as follows:

"(2) To employ and at its pleasure discharge experts, agents advertising and public relations counsel, attorneys and such other employees and persons within and without the State of Texas together with any other firms and corporations as it may deem necessary and to fix their respective duties and compensation; provided however, that all compensation to employees proposed to be expended under this Subsection (2) shall be first approved in writing by the Legislative Audit Committee; to receive grants and donations from persons, firms and corporations interested in the citrus industry and to safely keep such grants or donations outside the State Treasury and separate from other funds of the Commission and to expend same for such lawful purposes as may be agreed upon by contract between such donors and the Commission; to make contracts with one or more departments, institutions or agencies of the State and/or Federal government for the joint conduct of research, advertising and other activities designed to promote the welfare of the citrus industry and to pay out of the funds of the Commission, its proportionate part of the cost of such joint enterprises as agreed upon."

Sec. 3. That Section 9 of said Chapter 93, House Bill No. 29, Acts of the Regular Session of the Fifty-first Legislature, be and the same is hereby amended by adding thereto two (2) new subsections, following Subsection (8) of said Section 9 to be designated Subsections (9) and (10) which shall read as follows:

"(9) To buy, sell, improve, lease, own and dispose of, on such terms and conditions as the Commission may see fit, land and sites upon which to conduct experiments and research and carry on other activities of the Commission.

"(10) Through its officers and authorized agents and employees to go onto any premises where any citrus fruit or by-product is being packed or placed in containers or processed, or stored, or made ready for shipment for the purpose of investigating whether any tax authorized by this Act is being evaded or any valid rule or regulation of the Commission is being violated."

Sec. 4. That Section 14 of said Chapter 93, House Bill No. 29, Acts of the Regular Session of the Fifty-first Legislature, be and the same is hereby amended so as to read hereafter as follows:

"Section 14. There is hereby levied and assessed and there shall be collected, at the times and in the manner and from the persons, firms, associations and corporations herein provided, a tax upon all citrus fruit as herein provided in such amount not to exceed Three Cents (3c) per standard packed box or bag of one and three-fifths (1 3/5) bushels or equivalent, as the Texas Citrus Commission may annually fix and certify to the Commissioner of Agriculture of the State of Texas on or prior to September 1st of each year. Such tax in such amounts as so fixed by the Texas Citrus Commission shall be in effect, commencing September 1st of each year and continuing through August 31st of the following year.

"With the exceptions herein provided, said tax at said rate is hereby levied and assessed and shall be collected as herein provided upon all citrus fruit wherever grown which is packed or placed in containers or processed within the State of Texas and thereafter delivered, sold, shipped, consigned or transferred to one other than the person, firm, association or corporation so packing or placing in containers or processing such citrus fruit. Said tax is levied and assessed

at the rate which shall be fixed by the Commission for the year commencing September 1st during which the first delivery, sale, shipment, consignment or transfer thereof occurs. Provided, however, that the tax levied pursuant to this Act shall be payable only once on the same fresh or processed citrus fruit.

"For the purpose of computing such tax, six (6) units of No. 10 cans of processed citrus fruit shall be equivalent to a standard packed box or bag of one and three-fifths ( $1\frac{3}{5}$ ) bushels of fresh fruit and shall be taxed in the same amount as such standard packed box; twelve (12) units of No. 3 cans of processed citrus fruit shall be taxed in the amount of ninety-six one hundredths (.96) times the amount of tax for a standard packed box; twenty-four (24) units of No. 2 cans of processed citrus fruit shall be taxed in the amount of seventy-five one hundredths (.75) times the tax for a standard packed box; seventy-two (72) units of six (6) ounce cans of processed citrus fruit shall be taxed in the amount of seventy-five one hundredths (.75) times the tax for a standard packed box; each one and three-fifths ( $1\frac{3}{5}$ ) bushel Bruce or wire-bound type box of fresh fruit shall be equivalent to a standard packed box of fresh fruit and shall be taxed in the same amount; each box, basket, or bag containing approximately four-fifths ( $\frac{4}{5}$ ) bushel of fresh fruit shall be taxed in an amount equal to one-half ( $\frac{1}{2}$ ) the tax for a standard packed box; each box, basket or bag containing approximately two-fifths ( $\frac{2}{5}$ ) bushel of fresh fruit shall be taxed in an amount equal to one-fourth ( $\frac{1}{4}$ ) the tax for a standard packed box; each basket or bag containing approximately one (1) bushel of fresh fruit shall be taxed in an amount equal to sixty-two and one-half per cent ( $62\frac{1}{2}\%$ ) of the tax on a standard packed box; each box, basket or bag containing one-half ( $\frac{1}{2}$ ) bushel of fresh fruit shall be taxed in an amount equal to thirty-one and twenty-five one hundredths per cent ( $31.25\%$ ) of the tax on a standard packed box; eight (8) bags containing approximately one-fifth ( $\frac{1}{5}$ ) bushel each of fresh fruit shall be equivalent to a standard packed box and shall be taxed in the same amount; ten (10) eight (8) pound bags of fresh fruit shall be equivalent to a standard packed box of fresh fruit and shall be taxed in the same

amount; sixteen (16) five (5) pound bags of fresh fruit shall be equivalent to a standard packed box and shall be taxed in the same amount; four and one-half ( $4\frac{1}{2}$ ) gallons of single strength citrus fruit juice or other processed citrus fruit shall be equivalent to a standard packed box of fresh fruit and shall be taxed in the same amount; eighty (80) pounds of fresh fruit in bulk shall be the equivalent of a standard packed box and shall be taxed in the same amount as such standard packed box.

"For the purpose of computing such tax on other containers of fresh and processed citrus fruit, and enforcing the collection of the taxes herein levied, the Texas Citrus Commission is authorized, empowered and directed to adopt rules and regulations to prevent evasion and ensure collection and defining what is the equivalent of a standard packed box of fresh fruit, and the proportion of the tax as levied per standard packed box which shall be paid on such other forms and containers of fresh and processed Texas citrus fruit.

"It is provided, however, that the tax levied from year to year pursuant to the terms and provisions hereof shall not be due and payable by any natural person as to citrus fruit grown in Texas on land owned by such person and packed and sold by such person as fresh fruit or as to such fruit so grown in such land and processed and sold by such person. Each such natural person claiming an exemption under the provisions hereof, shall, before becoming entitled thereto, file an application for such exemption and receive an exemption certificate from the Texas Citrus Commission at the time and in the manner hereinafter provided, but nothing herein contained shall be construed as requiring any such natural person to obtain an exemption certificate solely for the purpose of making bona fide gifts of citrus fruit grown on land in Texas owned by such person."

Sec. 5. That Section 15 of said Chapter 93, House Bill No. 29, Acts of the Regular Session of the Fifty-first Legislature, be and the same is hereby amended so as to hereafter read as follows:

"Section 15. That taxes authorized by this Act shall be payable (with the exceptions herein set out) by the person, firm, association or corporation packing or placing in containers or processing such fruit, irrespective

of whether he (or it) is or is not the owner of such fruit. Such tax shall be paid to the Texas Citrus Commission at its executive offices, on the fifteenth day of the calendar month following the packing or placing in containers and marketing of the fresh citrus fruit or the processing and sale of the processed citrus fruit and by-products, to which such taxes are applicable. Same shall bear interest at the rate of ten per centum (10%) per annum from and after the due date thereof until paid, and shall be personal obligations and claims, against each person, firm, association or corporation who packs or places in containers or processes such citrus fruit. All persons, firms, associations or corporations who shall pack, place in containers or process any fresh or processed citrus fruit and by-products upon which such tax is or may become due, shall keep such records and accounts and make such periodic reports of dealings in fresh and processed citrus fruit and by-products as Texas Citrus Commission may from time to time prescribe."

Sec. 6. That Section 16 of said Chapter 93, House Bill No. 29, Acts of the Regular Session of the Fifty-first Legislature, be and the same is hereby amended to hereafter read as follows:

"Section 16. Each person, firm and corporation (including co-operatives organized under the co-operative marketing laws of Texas) who is or may be engaged in processing or packing or placing in containers or otherwise dealing in any fresh citrus fruit or citrus fruit by-products upon which any tax authorized by this Act is or may become due, shall before engaging in any such activity, give bond to the Texas Citrus Commission in such amount not less than Five Hundred Dollars (\$500) as the Commission may by regulation from time to time prescribe, conditioned upon the prompt payment of all taxes and interest due or to become due under the terms and provisions hereof, at the time and place and in the manner prescribed by law and by rules and regulations which may be from time to time promulgated by said Commission. The terms and provisions and the amount of such bond to be given by each such person, firm, corporation and co-operative and the surety or sureties thereon, shall be such as are from time to

time prescribed by rules and regulations of the Commission and the said bond must be approved by the Commission or some agent thereunto authorized, before becoming effective. If any such bond should expire according to its terms or be cancelled or if the surety or sureties thereon, in the judgment of the Commission or its agent in charge of such matters, should become insolvent, or if default should at any time be made in performance of the terms and provisions of such bond and payment of the taxes and interest due by the principal obligor on such bond, then it shall thereafter be unlawful for the principal obligor on such bond to pack or place in containers or process any citrus fruit within the State of Texas until all taxes and interest in arrears have been paid to the Texas Citrus Commission and until a new bond satisfactory to the Commission has been substituted for such former bond.

"In prescribing the amount of bond to be given by the various persons, firms, corporations and associations from whom such bond is required by this Act, the Commission may by regulation from time to time classify the various obligors into different groups and require each member of such group (subject to the minimum prescribed in this Act) to give bond in such amounts as the Commission may prescribe. The grouping so authorized may be based upon such classification as the Commission may from time to time adopt, to the end that the amount of bond required of each group will be adequate to insure payment by each member of such group of the taxes levied pursuant to this Act.

"Each natural person who is engaging solely and only in activities which are not subject to the taxes levied under the provisions of this Act shall, under such rules and regulations and safeguards as the Commission may promulgate from time to time, receive from the Commission or its agent thereunto authorized without charge, a certificate of exemption certifying that the activities of such natural person are not subject to taxes under the provisions of this Act. It shall be unlawful for any such natural person to engage in such activities not subject to the taxes levied under the provisions hereof, without first receiving such certificate of exemption, certifying



that the activities of such natural person are not subject to tax under the provisions of this Act.

"The Commission may from time to time prescribe by regulation the manner in which fruit exempt from tax hereunder must be identified to distinguish same from non-tax exempt fruit in order to assist in the enforcement of this Act."

Sec. 7. The fact that the provisions for enforcement of the Texas Citrus Commission Act have proved to be inadequate, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

## Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller

## Absent

Weinert

## Senate Bill 201 on Second Reading

The President pro tempore laid before the Senate as unfinished business S. B. No. 201 on its second reading and passage to engrossment with an amendment by Senator Carney pending (the bill having been read the second time on Tuesday, April 10, 1951).

Question—Shall the amendment by Senator Carney be adopted?

Senator Carney, by unanimous consent, withdrew the amendment.

On motion of Senator Hazlewood and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

## Senate Bill 201 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 201 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Parkhouse
Carter	Phillips
Colson	Russell
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	

## Nays—4

Corbin	Moore
Hudson	Shofner

## Absent

Nokes Weinert

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—21

Aikin	Lock
Ashley	McDonald
Bell	Moffett
Bracewell	Nokes
Bullock	Parkhouse
Carter	Phillips
Colson	Russell
Fuller	Tynan
Hazlewood	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	

## Nays—9

Carney	Martin
Corbin	Moore
Hardeman	Shofner
Hudson	Strauss
Lane	

## Absent

Weinert

### Bills and Resolutions Signed

The President pro tempore signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H. B. No. 58, A bill to be entitled "An Act amending Article 2371 of the Revised Civil Statutes of Texas, 1925, providing that in all counties having a population according to the last preceding Federal census of more than twenty-five thousand (25,000) and less than fifty thousand (50,000) the Commissioners Court may appoint the matron and expend for the maintenance of a rest room for women in the courthouse, or in courthouse buildings or on courthouse grounds, including the compensation paid the matron, an amount not to exceed One Hundred Twenty-five Dollars (\$125) per month; and declaring an emergency."

H. B. No. 74, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to reinstate sales of land in Callahan County forfeited prior to September 1, 1945, and on which applications have been filed for reinstatement prior to April 15, 1952, and on which there are no intervening rights of a third person; providing that payment of all principal and interest shall be made prior to reinstatement and declaring an emergency."

H. B. No. 86, A bill to be entitled "An Act to validate the establishment, organization, and/or creation of all school districts; validating the acts of county boards of school trustees, county judges, commissioners' courts, boards of trustees of such school districts, and municipal governing bodies; validating tax elections, bond elections, bond assumption elections, and all bonds voted, authorized, and/or now outstanding of said districts; authorizing the levy, assessment, and collection of taxes; providing that this Act shall not apply to certain districts involved now or previously involved in litigation, or to districts involved in certain proceedings now pending before the State Board of Education, or to districts which may have been established and which later returned to original status; providing a savings clause, and declaring an emergency."

H. B. No. 232, A bill to be entitled

"An Act authorizing the Commissioners' Courts of certain counties having a population of not less than thirty thousand (30,000) nor more than three hundred and seventy-five thousand (375,000) inhabitants according to the last preceding Federal census to establish county law libraries; authorizing the collection of a fee in civil suits except suits for delinquent taxes for such purpose; prescribing certain duties of the clerks of the respective courts in certain counties; providing for the creation of a fund to be known as the 'County Law Library Fund'; repealing House Bill 241, Chapter 58, Acts of the Fifty-first Legislature, Regular Session, 1949; and declaring an emergency."

H. B. No. 245, A bill to be entitled "An Act to amend Sections 5, 6, 7, and 10 of Senate Bill No. 46, Chapter 41, page 116, Acts of the Fortieth Legislature, First Called Session, as amended by Acts 1929, Forty-first Legislature, First Called Session, page 7, Chapter 4, Section 5; Acts 1933, Forty-third Legislature, page 57, Chapter 28, so as to provide for a standard burial-transit permit; regulations of the State Department of Health regulating the disposal, transportation, interment, and disinterment of dead bodies to such extent as may be reasonable and necessary for the protection of the public health and safety; a standard certificate of stillbirth; the registration of stillbirths; form and content of the standard certificates of death and stillbirth and the standard burial-transit permit; and repealing Rules 77-86, inclusive, of Article 4477 of Title 71 of the Revised Civil Statutes of the State of Texas as amended by Acts 1941, Forty-seventh Legislature, page 225, Chapter 155, Section 1; and declaring an emergency."

H. B. No. 252, A bill to be entitled "An Act permitting Boards of Trustees of Independent School Districts having control of a Junior College, and having a city within their boundaries of a population not less than seventy-five thousand (75,000) and not more than one hundred seventy-five thousand (175,000) according to the last Federal Census, to divest themselves of the control of said Junior College by placing control thereof in a Board of Regents of nine (9) members; providing for the

method of divesting said Board of Trustees of such Independent School District of such control of said Junior College and for placing same in such Board of Regents the appointment of the original Board of Regents, the terms thereof and the method of their election and filling vacancies; providing a saving clause and repealing all laws in conflict herewith."

H. B. No. 263, A bill to be entitled "An Act providing an open season for hunting, taking and killing quail of any species in Camp County; fixing the days on which hunting shall be permitted; fixing the number of quail that any person may kill or have in possession at any time; fixing a penalty; repealing all laws in conflict with this Act; and declaring an emergency."

H. B. No. 272, A bill to be entitled "An Act amending Article 1106, Chapter 11 of the Penal Code of Texas, by adding thereto a new paragraph to be numbered paragraph (c) providing that drip gasoline extracted or expelled from natural gas pipe lines shall be labeled in plain, legible lettering as 'Drip Gasoline' wherever sold or offered for sale or use in motor vehicles on the highways in Texas; containing a saving clause; repealing conflicting laws and declaring an emergency."

H. B. No. 296, A bill to be entitled "An Act validating, ratifying, approving and confirming certain proceedings and bonds heretofore voted and issued or authorized by any fresh water supply district; validating the organization of fresh water supply districts; and declaring an emergency."

H. B. No. 348, A bill to be entitled "An Act authorizing the appointment of two (2) investigators or assistants and the employment of one (1) stenographer for the district attorney of the 106th Judicial District; prescribing qualifications of the investigators or assistants; providing for compensation and expenses of the investigators or assistants; prescribing their duties; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 319, A bill to be entitled "An Act authorizing boards of trustees of rural high school districts in counties or subject to the jurisdiction of counties having a population

of not less than three hundred and fifty thousand (350,000) and not more than five hundred thousand (500,000) according to the last preceding Federal Census, to have and appoint an assessor-collector of taxes for their district and such deputy tax assessor-collectors as it deems necessary; providing for the compensation of same; authorizing the assessment and collection of taxes of such district by such assessor-collectors and the equalization of such taxes; providing for the bonding of the tax assessor-collector; providing for the application of laws governing the assessment and collection of taxes in independent school districts insofar as the same be not inconsistent with the provisions of this Act; providing this Act shall not be exclusive but cumulative of existing laws on the same subject; and declaring an emergency."

H. B. No. 342, A bill to be entitled "An Act authorizing the State Parks Board to repair, build or construct facilities to be used for recreational and park purposes at the Jim Hogg State Park; authorizing cooperation with other governmental agencies; authorizing the State Parks Board to pay for the repairing, building, or construction of such facilities; providing for the payment of same from the cutting and sale of such timber; providing for the terms and conditions of sale; authorizing the use of certain timber on such projects; providing for a special fund into which such moneys shall be placed; providing for the expenditures of such funds; repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 366, A bill to be entitled "An Act providing that the Commissioners Court of any County in the State may enter into contracts for the accomplishment of plans and programs for flood control and soil conservation with the Federal Soil Conservation Service, State Soil Conservation Districts, State Extension Service, Conservation and Reclamation Districts, Drainage Districts, Water Control and Improvement Districts, Navigation Districts, Flood Control Districts, Levee Improvement Districts and Municipal Corporations, as provided in Sec. 5, Chapter 464, Acts of 51st Legislature, 1949, and the responsibility for

carrying out such plans and the expenditure of joint or pooled funds of the County, and such agencies, districts and municipal corporations may be divided between the parties or delegated to either the County or to one or more of said agencies, districts, and municipal corporations for a specified period or until certain plans or programs are accomplished; and declaring an emergency."

H. B. No. 370, A bill to be entitled "An Act amending Section 1, Section 2, Section 4, Section 5, Section 6, and Section 8 of House Bill 53, Chapter 432, Acts of the Forty-fourth Legislature, Second Called Session, 1935, codified as Article 2783c of Vernon's Texas Civil Statutes, so as to make the provisions of said House Bill 53, Chapter 432, applicable to any independent school district which is a municipally assumed or controlled independent school district; conferring upon separated districts all the powers conferred upon independent school districts, etc.; and declaring an emergency."

H. B. No. 451, A bill to be entitled "An Act amending Senate Bill No. 95, Acts 1943, 48th Legislature, Chapter 24, as amended by Senate Bill No. 350, Acts 1943, 48th Legislature, Chapter 314, as amended by House Bill 856, Acts 1945, 49th Legislature, Chapter 266, to provide that within their respective jurisdictions the State Highway Commission or the governing body of any incorporated city or town, shall have power to lay out, acquire, construct, maintain, and operate any section or portion of any State highway, or city street without their respective jurisdictions, as a freeway under certain circumstances; defining the term 'freeway'; conferring the right to close highways, and streets, to make provisions for carrying any highway, or street, over or under or to a connection with a freeway; providing for the power of condemnation of such property and property rights as may be necessary to carry out the provisions of this Act; providing a saving clause; repealing all laws in conflict, and declaring an emergency."

H. B. No. 521, A bill to be entitled "An Act providing for and authorizing the appointment of an official shorthand reporter for the County Court of Gregg County, Texas; fix-

ing the compensation of the reporter; authorizing the County Judge of Gregg County to appoint such reporter; and declaring an emergency."

H. B. No. 522, A bill to be entitled "An Act fixing a two-year closed season on quail in Callahan County, prescribing suitable penalty for violation thereof, containing a repealing clause and declaring an emergency."

H. B. No. 607, A bill to be entitled "An Act to provide a closed season on wild deer and wild turkey in Nolan County for a period of four (4) years; prescribing a penalty; repealing all laws in conflict herewith; and declaring an emergency."

H. C. R. No. 20, Granting permission to Stanley P. Flukinger to sue the State of Texas.

H. C. R. No. 35, Granting permission to Dudley Ames and wife, Maud Ames, to bring suit against the State of Texas and the State Highway Department of the State of Texas.

#### Adjournment

On motion of Senator Phillips, the Senate at 4:56 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### FIFTY-FIFTH DAY

(Wednesday, April 18, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.